

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA FOR	)	
THE USE OF ENVIROWORKS, INC.,	)	
and ENVIROWORKS, INC.,	)	
	)	
Plaintiffs,	)	8:11CV444
	)	
v.	)	
	)	
COASTAL ENVIRONMENTAL GROUP,	)	ORDER
INC., and AEGIS SECURITY	)	
INSURANCE COMPANY,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on the motion of plaintiffs United States of America for the Use of Enviroworks, Inc., and Enviroworks, Inc., (collectively, "Enviroworks") for leave to amend the complaint (Filing No. [21](#)). Enviroworks did not attach an unsigned copy of the proposed amended complaint to its motion, as required by Nebraska Civil Rule 15.1(a).

Defendants Coastal Environmental Group, Inc., and Aegis Security Insurance Company (collectively, "Defendants") filed a brief in opposition to Enviroworks' motion to amend (Filing No. [31](#)). Next, Enviroworks submitted a proposed amended complaint, docketed simply as "amended complaint," unattached to any brief or index (Filing No. [32](#)). Defendants then filed a motion to strike the amended complaint, with accompanying brief (Filing Nos. 33 and 34).

Also before the Court is Defendants' motion to dismiss, or, alternatively, motion to transfer venue (Filing No. [16](#), with brief, Filing No. [17](#)). Enviroworks filed a resistance to the motion, with brief and index of evidence (Filing Nos. 20, 27, and 28). Defendants filed a reply brief with an index of evidence (Filing Nos. 30 and 29).

After reviewing the parties' motions, the briefs, and relevant law, the Court will not substantively rule on Defendants' motion to dismiss or to transfer venue at this time. Because the document that is docketed as "amended complaint" is actually a proposed amended complaint, the Court will grant Defendants' motion to strike the amended complaint. In addition, the Court will grant Enviroworks' motion for leave to file its amended complaint. Enviroworks shall file its amended complaint in the same form as its proposed amended complaint, without the term "proposed," by May 7, 2012.<sup>1</sup>

Defendants' motion to dismiss or to transfer venue is denied as moot, without prejudice. Defendants will have leave to respond to Enviroworks' amended complaint following the usual timeline set forth in the Federal Rules of Civil Procedure and the Nebraska Civil Rules. Accordingly,

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<sup>1</sup> Enviroworks' counsel is advised to consult and comply with the Nebraska Civil Rules when filing all future documents.

IT IS ORDERED:

1) Defendants' motion to strike (Filing No. [33](#)) is granted; Filing No. [32](#) is stricken.

2) Enviroworks' motion for leave to amend (Filing No. [21](#)) is granted. Enviroworks shall file its amended complaint in the same form as the stricken Filing No. [32](#), without the word "proposed," by May 7, 2012.

3) Defendants' motion to dismiss or to transfer venue (Filing No. [16](#)) is denied, without prejudice, as moot.

DATED this 30th day of April, 2012.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court